

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

## INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:

HILL & SCHUMACHER  
87 Falcon Street  
Toronto, Ontario M4S 2P4  
CANADA

Date of mailing  
(day/month/year)

09/12/2003

Applicant's or agent's file reference

102-101-P

**PAYMENT DUE**

within 45 ~~XXXX~~ days  
from the above date of mailing

International application No.

PCT/CA 03/01016

International filing date  
(day/month/year)

11/07/2003

Applicant

PILLIAR, Robert M.

1. This International Searching Authority

- (i) considers that there are 3 (number of) inventions claimed in the international application covered by the claims indicated ~~XXXX~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~XXXX~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

1-4, 56-59

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby **invited**, within the time limit indicated above, to pay the amount indicated below:

EUR 945,00 x 2 = EUR 1.890,00  
Fee per additional invention      number of additional inventions      total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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**SINSCHEIDEN**

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-4,56-59

Method for forming a porous inorganic material requiring packing an amorphous powder, sintering at a first temperature followed by a second temperature at which crystallisation occurs and obtained product.

2. Claims: 5-46,60-69

Method for forming a three dimensional inorganic structure requiring packing an amorphous powder, pre-sintering at a first temperature followed by a second annealing temperature and obtained product.

3. Claims: 47-55,70-80

A composite material comprising a porous inorganic material infiltrated with a polymer and method for obtaining said material.

The only common concept linking the separate inventions/groups of inventions is: porous inorganic material.

This concept is not novel and thus not inventive because porous inorganic materials are well-known since for instance many natural rocks and many man-made building materials (bricks, tiles, concrete parts) and most ceramic materials are both inorganic and porous.

The application relates to a plurality of inventions, or groups of inventions, in the sense of Rule 13.1 PCT. They have been divided as defined above. If the applicant pays additional fees for one (or more) not yet searched group(s) of invention(s), then the further search(es) may reveal further prior art that gives evidence of a further lack of unity 'a posteriori' within one (or more) of the not yet searched group(s). In such a case only the first invention in this (each of these) group(s) of inventions, which is considered to lack unity of invention, will be the subject of a search.

No further invitation to pay further additional fees will be issued. This is because Article 17(3)(a) PCT stipulates that the ISA shall establish the International Search Report on those parts of the international application which relate to the invention first mentioned in the claims ('main invention') and for those parts which relate to inventions in respect of which the additional fees were paid. Neither the PCT nor the PCT guidelines provide a legal basis for further invitations to pay further additional search fees (W17/00, point 11 and W1/97, points 11-16).

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'**
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	PILLIAR R M ET AL: "Porous calcium polyphosphate scaffolds for bone substitute applications - in vitro characterization" BIOMATERIALS, ELSEVIER SCIENCE PUBLISHERS BV., BARKING, GB, vol. 22, no. 9, 1 May 2001 (2001-05-01), pages 963-972, XP004230962 ISSN: 0142-9612 Abstract, Porous Sample Production ---	1,2,56, 57,59
X	GRYNPAS M D ET AL: "Porous calcium polyphosphate scaffolds for bone substitute applications in vivo studies" BIOMATERIALS, ELSEVIER SCIENCE PUBLISHERS BV., BARKING, GB, vol. 23, no. 9, May 2002 (2002-05), pages 2063-2070, XP004345252 ISSN: 0142-9612 Abstract ---	1,2,56, 57,59
A	US 6 117 456 A (REY CHRISTIAN ET AL) 12 September 2000 (2000-09-12) column 22, line 57 -column 22, line 62 --- -/--	3,58

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Annex to Form PCT/ISA/206  
 COMMUNICATION RELATING TO THE RESULTS  
 OF THE PARTIAL INTERNATIONAL SEARCH

International Application No  
 PCT/CA 03/01016

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PATENT ABSTRACTS OF JAPAN vol. 015, no. 440 (C-0883), 11 November 1991 (1991-11-11) & JP 03 187987 A (INAX CORP), 15 August 1991 (1991-08-15) abstract -----	3,58

# Patent Family Annex

Information on patent family members

International Application No

PCT/CA 03/01016

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6117456	A	12-09-2000	US 6214368 B1	10-04-2001
			US 5676976 A	14-10-1997
			AU 742748 B2	10-01-2002
			AU 4674697 A	11-05-1998
			EP 0936929 A2	25-08-1999
			JP 2001502215 T	20-02-2001
			WO 9816268 A2	23-04-1998
			US 2002155167 A1	24-10-2002
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			US 2003049329 A1	13-03-2003
			US 6544290 B1	08-04-2003
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			US 6277151 B1	21-08-2001
			US 6331312 B1	18-12-2001
			US 6287341 B1	11-09-2001
			US 2003082232 A1	01-05-2003
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			US 2002136696 A1	26-09-2002
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			AU 711326 B2	14-10-1999
			AU 5865996 A	29-11-1996
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			CA 2220306 A1	21-11-1996
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			NO 975247 A	09-01-1998
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			US 5650176 A	22-07-1997
			US 5683461 A	04-11-1997
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JP 03187987	A	15-08-1991	NONE	
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